

TOWN OF MERRIMAC BOARD OF APPEALS

Minutes of the May 22, 2004 Meeting

Present: Mary Carol Solum, Chair; Kathy Koepp; Gene Gibbs; Wendy Sitton; and Pat Sereg. Also present was Tim McCumber, Town Administrator & Secretary.

Solum called the meeting to order at 9:00am. McCumber certified the meeting had been properly noticed and all legally required notices had been timely provided for the matters to be considered by the Board. Solum introduced the board. The minutes of September 27, 2003 were reviewed. Solum noted the date of 1994 should be changed to 1993. Motion by Sereg to approve as amended. Gibbs second. Motion passed.

The Board discussed site visitation and deemed it unnecessary.

Hearing BA-01-04 was called to order. McCumber read the legal notice. McCumber opened the hearing by testifying that the property in question was a legal non-conforming property as the home was constructed within 10 feet of the property line which is now a required setback. McCumber said this case was different from most as the expansion would not be visible as it is going down verses out or up. McCumber noted that if the board approves the variances, the conditions should include language that states the home remains legal non-conforming and removed in the event of a disaster in accordance with our ordinance. Another condition should be that the house will not be elevated from its current location.

Osowski testified that he has a small existing basement which is crumbling and he needs to repair that section. As a result, he would like to expand to a full basement. He states that he dugout under the home and it removed a musty smell in one of the bedrooms and he believes the basement will make the home a healthier environment. Eventually, he would like to add a bathroom and possibly remove a bedroom upstairs to add an inside stairwell. When the home was constructed, there was a foundation and footings that were no more than 2 feet deep. That portion of the foundation is crumbling. Because of the slope of the land, some sections are 5 feet deep. Mrs. Osowski added that the water heater, furnace, and laundry are down there and a full basement would make it easier to enter and use those facilities.

John Domogata appeared in favor. He lives two doors down. No one appeared in opposition. The hearing was closed by motion of Sitton, second by Gibbs. Motion passed.

In opening discussion Solum stated that we might need to consult the applicant if we have questions. Sereg wanted clarification as to if this was a use or an area variance. Solum noted that the Supreme Court ruling allows us to look at this in a case by case

basis. Solum noted hardship exists because the basement is crumbling and creates a safety hazard. As the mechanicals are there, the risk becomes even greater. She noted that in the 1950's when the home was constructed, setbacks were not an issue. Solum believes the fire department would still have access to the site and it is important to note that the footprint is not changing. Sereg wanted those items noted in the decision letter. Gibbs noted that the basement will be an improvement. Solum noted the musty smell is a health issue and is another hardship. Sitton believes that the neighbors might also be affected. Sitton moved to grant both variances with the conditions of the secretary as stated earlier, although the height should not increase more than an inch if necessary. All standard language regarding permits should be included and county erosion controls. The permit may be issued conditional of the granting of a variance from Sauk County. Construction shall be completed within 1 year. The property remains a non-conforming structure. Motion approved 4-0.

Motion by Sereg to adjourn. Second by Sitton. Motion approved.

(See individual decision letters for details of actions taken by the Board held in deliberation on appeals by the Board.)